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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

_____	:	Civil Action No.: 1:07-04530 (LTS)
AEDES DE VENUSTAS, INC.,	:	
Plaintiff,	:	NOTICE OF MOTION TO STRIKE
	:	CERTAIN EXHIBITS ATTACHED
v.	:	TO THE DECLARATIONS OF
	:	GERSTNER AND HEPPT
VENUSTAS INTERNATIONAL, LLC,	:	
Defendant.	:	Motion Returnable: June 26, 2007
_____	:	Honorable Laura Taylor Swain
	:	Magistrate Judge Theodore Katz

Documents Electronically Filed

PLEASE TAKE NOTICE that pursuant to Rule 802 of the Federal Rules of Evidence and Rule 32 of the Federal Rules of Civil Procedure, Defendant Venustas International, LLC hereby moves this Court for an order striking Exhibits B and D and portions of paragraphs 2 and 10 of Declaration of Robert Gerstner and Exhibit C attached to the Declaration of Joseph Heppt, both submitted as part of Plaintiff's reply in Further Support of Plaintiff Aedes De Venustas, Inc.'s Motion for Preliminary Injunction.

The grounds for the motion are as follows: (1) The Exhibits and relevant portions of the Gerstner Decl. are inadmissible hearsay under by Rule 802 of the Federal Rules of Evidence; and (2) Plaintiffs are improperly using the deposition testimony of Mr. Gerstner in support of its case in violation of Rule 32 of the Federal Rules of Civil Procedure. A Memorandum of Points and authorities in support of this Motion to Strike, together with a Proposed Order are attached hereto for the Court's consideration.

Dated: June 24, 2007

BY: s/ Robert G. Shepherd
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